

MICHAEL J. GARCIA
United States Attorney
Southern District of New York
Attorney for Defendant United States Department of State
By: REBECCA C. MARTIN (RM 0486)
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
Tel.: (212) 637-2714
rebecca.martin@usdoj.gov

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
NATURAL RESOURCES DEFENSE COUNCIL, INC.,	:
	:
Plaintiff,	:
	:
-against -	:
	:
UNITED STATES DEPARTMENT OF STATE,	:
	:
Defendant.	:
-----X	

07 Civ. 5929 (WHP)

**DECLARATION OF REBECCA C. MARTIN
IN SUPPORT OF THE DEPARTMENT OF STATE'S
MOTION FOR SUMMARY JUDGMENT AND ITS OPPOSITION
TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

REBECCA C. MARTIN, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am an Assistant United States Attorney in the office of Michael J. Garcia, United States Attorney for the Southern District of New York. In this action, I am responsible for representing the U.S. Department of State ("DOS"). I submit this declaration in support of DOS's motion for summary judgment and in opposition to the motion for summary judgment filed by Natural Resources Defense Council ("plaintiff").

2. On July 11, 2006, plaintiff submitted to DOS a FOIA request for, inter alia, documents concerning illegal logging of mahogany in Peru. See Ex. A (attaching a true and correct copy of July 11, 2006 FOIA request).

3. On July 26, 2006, DOS denied plaintiff's request for a fee waiver. See Ex. B (attaching a true and correct copy of a July 26, 2006 letter from Katrina Wood to S. Jacob Scherr, Esq.). On August 20, 2007, this Office informed plaintiff that the decision with respect to the fee waiver had been reversed and the fee waiver granted.

4. On April 24, 2007, plaintiff submitted a second FOIA request for records concerning the "logging and/or trade of bigleaf mahogany." See Ex. C (attaching a true and correct copy of April 24, 2007 FOIA request).

5. On October 1, 2007, DOS began producing documents to plaintiff and completed its production with respect to both requests on December 7, 2007.

6. On November 7, 2007 and January 7, 2008, plaintiff identified certain withholdings it was interested in challenging. See Ex. D (attaching true and correct copies of emails from plaintiff's counsel, Thomas Cmar, Esq., to Rebecca C. Martin, detailing challenged withholdings).

7. On January 25, 2008, DOS provided plaintiff with two Vaughn Indexes for the documents identified by plaintiff, specifying the bases for the withholdings. See Ex. E and F (attaching true and correct copies of the Vaughn Index for the July 11, 2006 FOIA request and the Vaughn Index for the April 24, 2007 FOIA request, respectively).

8. Attached hereto as Exhibit G is a true and correct copy of Cable No. 1534 sent from the U.S. embassy in Lima, Peru, with revised redactions.

I certify under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
March 12, 2008

/s/
REBECCA C. MARTIN